STATE OF INDIANA - COUNTY OF HAMILTON IN THE HAMILTON CIRCUIT AND SUPERIOR COURTS

Notice of Proposed Amendment of Local Rule for a Caseload Allocation Plan for the Courts of Record of Hamilton County August 4, 2008

In accordance with Administrative Rule 1(E) of the Indiana Court Rules, the Hamilton Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule setting forth the caseload allocation plan for the courts of record of Hamilton County, effective January 1, 2009. All new text is shown by underlining and deleted text is shown by strikethrough. Local Rules for caseload allocation plans pursuant to Admin. R. 1(E) require Supreme Court approval and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), and because good cause exists under Trial Rule 81(D) to deviate from the schedule for amending local rules, the time period for the bar and the public to comment shall begin on August 4, 2008, and shall close on September 3, 2008. The proposed amendments to the rule will be adopted, modified or rejected before September 31, 2008, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than October 1, 2008.

Comments by the bar and the public should be made in writing and mailed to:

Administrator of the Courts, Hamilton County Circuit & Superior Courts, One Hamilton County Square, Suite 313, Noblesville, Indiana 46060-2232.

A paper copy of the proposed amended local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Hamilton County, Hamilton County Government & Judicial Center, One Hamilton County Square, Noblesville, Indiana, during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

http://www.co.hamilton.in.us/announcements or http://www.in.gov/judiciary/rules/local

J. Richard Campbell, Presiding Judge Judge, Superior Court No. 4

LR29-CR00-301. CRIMINAL RANDOM FILING

- 301.10 This Random Filing Rule does not apply to either civil cases or juvenile cases. All misdemeanors (except those assigned to Superior Court No. 3 pursuant to Section 301.20 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree. All class D Felonies (except those assigned to Superior Court No. 3 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree. Reassignment of these cases shall be achieved by transferring cases originating in Superior Court No. 4 to either Superior Court No. 5 or Superior Court No. 6; transferring cases originating in Superior Court No. 5 to either Superior Court No. 4 or Superior Court No. 6; and, transferring cases originating in Superior Court No. 6 to either Superior Court No. 4 or Superior Court No. 5. In the event a subsequent reassignment is required (and neither Superior Court No. 4, nor Superior Court No. 5, nor Superior Court No. 6 is available) said case assignment shall be achieved by obtaining a new court assignment from all Hamilton County Courts using the Clerk's random assignment procedure.
- 301.30 Misdemeanor <u>and class D felony</u> battery offenses, <u>strangulation offenses</u>, and invasion of privacy offenses that do not involve operating while intoxicated offenses (IC 9-30-5) shall be filed in Superior Court No. 3. Reassignment of these cases will be achieved by randomly transferring said cases to either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6, with 1/3 of such transfers going to each of these three courts respectively.
- 301.40 All Murder (MR Case type), Class A (FA Case Type), Class B (FB Case Type), and Class C (FC Case Type)felonies shall be randomly filed per case type with 25% of each case type filed in Circuit Court, Superior Court No. 1, Superior Court No. 2 and Superior Court No. 3. Reassignment of these cases shall be achieved by obtaining a new court assignment using the Clerk's random assignment procedure of the Courts designated to accept this type of case.
- The Clerk shall use a court-approved procedure which provides a tamper proof method for random assignment consistent with the foregoing paragraphs of this Criminal Rule.
- **301.60** From time to time, the Courts may provide orders to assist the Clerk in implementing the Criminal Random Filing procedures.
- 301.70 Pursuant to Indiana Criminal Rule 2.2(c), if a case is dismissed after filing, upon refiling it shall be assigned to the same court where it was originally assigned.

In the Indiana Supreme Court

| IN THE MATTER OF |) | |
|-------------------------|---|----------|
| REQUEST FOR APPROVAL |) | |
| OF LOCAL RULES |) | Case No. |
| FOR COURTS OF RECORD IN |) | |
| HAMILTON COUNTY |) | |

REQUEST FOR APPROVAL OF LOCAL RULES

The judges of the courts of record of Hamilton County have decided to adopt, or amend, the local rules indicated below and request Supreme Court approval for the following local rules, or amendments:

Reassignment of criminal cases pursuant to Criminal Rule 2.2. Specifically, the language of LR29-CR00-301, has been amended to account for the addition of strangulation as a Class D felony in IC 35-42-2-9.

Accordingly, the judges of the courts of record of Hamilton County request approval of these local rules, or amendments.

Submitted this 4th day of August, 2008.

For the Courts of Record of Hamilton County

J. Richard Campbell, Presiding Judge

Judge Superior Court No. 4